

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S.A.N. 09/749,677

REMARKS

Claims 1-4 have been examined and have been rejected under 35 U.S.C. § 103(a).

I. Rejection under 35 U.S.C. § 103(a) over U.S.P. 6,111,827 to Miike (“Miike”) and U.S.P. 5,297,127 to Ohtsuka et al. (“Ohtsuka”)

Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Miike in view of Ohtsuka. The Examiner contends that Miike suggests all of the features of the claimed invention, except for a driving coil attached to a moveable member. However, he maintains that Ohtsuka teaches the driving coil.

A. Claim 1

Applicants submit that claim 1 is patentable over Miike and Ohtsuka. For example, claim 1 comprises a movable member and a hybrid optical module. The movable member is supported by two shafts, and the hybrid optical module is mounted on the moveable member.

The Examiner contends that Miike teaches the movable member and the hybrid optical module recited in claim 1. Specifically, in the annotated version of Fig. 4 of Miike contained on page 3 of the Office Action and reproduced below, the Examiner contends that the device shown in the upper-right portion of the figure corresponds to the claimed movable member and that the frame 1 corresponds to the claimed hybrid optical module.

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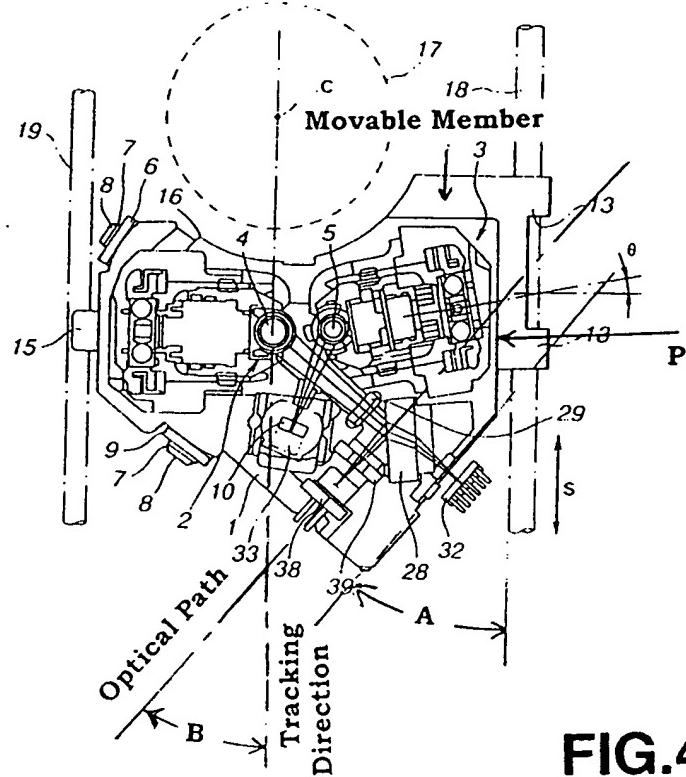


FIG.4

Applicants respectfully submit that the Examiner is misinterpreting and/or misapplying the teachings of the reference. For example, as clearly shown in Fig. 6 of the reference, the device labeled as the "Moveable Member" in the annotated version of Fig. 4 is actually the frame 1. Thus, the Examiner is alleging that the single frame 1 corresponds to both (1) the movable member supported by two shafts and (2) the hybrid optical module mounted on the moveable member.

Since the frame 1 cannot correspond to both the moveable member and the hybrid optical module, Miike does not disclose or suggest all of the elements of claim 1 as the Examiner

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alleges. Specifically, assuming *arguendo* that the frame 1 corresponds to the claimed movable member, Miike does not suggest the claimed hybrid optical module. Conversely, assuming *arguendo* that the frame 1 corresponds to the claimed hybrid optical module, Miike does not suggest the claimed moveable member.

In addition, Applicants submit that the frame 1 does not suggest a hybrid optical module. As described in the non-limiting example in the specification, a hybrid optical module is different from a conventional optical module containing discrete components:

Unlike in a conventional optical module of the discrete type, in a hybrid optical module, main components of an optical system other than an objective lens are integrated into one component....

(Present application, page 1, lines 12-15 (emphasis added)). As mentioned above, a hybrid optical module is a specific type of device that integrates components of an optical system into one component. In claim 1, the hybrid optical module has a light emitting and receiving device.

In contrast, as disclosed in Fig. 6 of Miike, discrete components, including a beam splitter 28, a collimator lens 29, a mirror 30, a photo detector 32, a laser coupler 33, a rising mirror 34, and a laser 38, are all individually mounted on the frame 1. (Column 12, lines 5+). Thus, Miike does not suggest the claimed hybrid optical module.

Since Ohtsuka does not cure the deficient teachings of Miike with respect to claim 1, Applicants submit that claim 1 is patentable over the cited references.

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B. Claims 2 and 3

Since claims 2 and 3 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

C. Claim 4

Since claim 4 contains features that are analogous to the features discussed above in conjunction with claim 1, Applicants submit that claim 4 is patentable for analogous reasons.

II. Newly added claims

Applicants have added new claims 5-20 to provide more varied protection for the invention.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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